

Application No. 09/773,106  
Amendment dated February 23, 2006  
Reply to Office Action of November 23, 2005

## **REMARKS**

### **Status Of Application**

Claims 1-16 are pending in the application; the status of the claims is as follows:

Claims 3-9 are withdrawn from consideration.

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,469,740 to Kuroda et al ("Kuroda"), in view of U.S. Patent No. 6,507,519 to Collins et al ("Collins").

Claims 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

### **Claim Amendments**

Claims 1 and 2 have been cancelled. Claim 10 has been amended to incorporate the subject matter of claim 1, from which it depends. Claims 7-23 have been added. These changes do not introduce any new matter.

### **Claim Objection**

Claims 10-16, which were objected to as being dependent upon a rejected base claim, have been rewritten in independent form, including all of the limitations of the base claim and any intervening claims, as suggested by the Examiner. Accordingly, it is respectfully requested that the objection to claims 10-16 be reconsidered and withdrawn.

### **35 U.S.C. § 103(a) Rejection**

It is respectfully submitted that the cancellation of claims 1 and 2 moots the rejections under 35 U.S.C. § 103(a).

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**Withdrawn Claims**

Withdrawn claim 3 has been amended so that it depends from allowable claim 10. It is respectfully submitted, therefore, that claim 3, as well as claims 4-9 which depend therefrom, are now allowable.

**New Claims**

New claims 17-23 have been added to address additional aspects of the claimed invention.

Claims 17-20 relate to the level adjuster adjusting the output of the area sensor as a whole responsive to the amount of incident light. Support for these claims may be found in the specification at paragraphs [0039]-[0044] and [0061]-[0067].

Claims 21-23 relate to the relationship between the output of the level adjuster and an image frame.

It is respectfully submitted that none of the features of claims 17-23 are disclosed, taught, or otherwise suggested by the prior art of record, and that claims 17-23 are therefore allowable over such prior art.

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### **CONCLUSION**

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 1 from 1 to 2 (3 claims previously paid for) and increases the total number of claims by 5 from 16 to 21 (20 claims previously paid for), but does not present any multiple dependency claims. Accordingly, a Response Transmittal and Fee Authorization form authorizing the amount of \$50.00 to be charged to Sidley Austin LLP Deposit Account No. 18-1260 is enclosed herewith in duplicate. However, if the Response Transmittal and Fee Authorization form is missing, insufficient, or otherwise inadequate, or if a fee, other than the issue fee, is required during the pendency of this application, please charge such fee to Sidley Austin LLP Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee

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required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,  
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18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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